



MEMORANDUM

DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION

TO: Chairman and Members, Pima County Planning and Zoning Commission

FROM: Arlan Colton, Executive Secretary

RE: Pima County Planning and Zoning Commission Hearing of **August 28, 2013**

DATE: August 30, 2013

This abstract is subject to editing and amending. Please let us know promptly if you believe there are any omissions or corrections; otherwise, we will proceed on this basis.

Arlan Colton, Executive Secretary

The meeting was called to order at 9:00 a.m. at the Public Works Building, 201 N. Stone Avenue, Basement Level, Conference Room C, Tucson, Arizona.

1) **ROLL CALL:**

PRESENT

William Matter, Chair
Jenny Neeley, Vice-Chair
Howard L. Richey
Bonnie Poulos
Randall R. Holdridge
Lynne Mangold
Brad Johns

ABSENT

Jodi Bain
Bob Cook
Armando Membriila

SEVEN MEMBERS PRESENT

ALSO PRESENT

Arlan Colton, Planning
Chris Poirier, Assistant Planning Director
Janet Emel, Senior Planner
Tom Coyle, Principal Planner
Celia Turner, Recording Secretary

Greg Saxe, Environmental Plan. Mgr., RFCD
Jonathan Crowe, DOT
Jeanette DeRenne, DOT

- 2) **PLEDGE OF ALLEGIANCE**
- 3) **CONSENT AGENDA (UNADVERTISED PUBLIC HEARING)**

A) B-123 APPROVAL OF AUGUST 28, 2013 CHECKLIST

B) B-218 MONTHLY REPORTS TO THE P/Z COMMISSION

Monthly reports from Development Services Department for enterprise fund, total fees collected, services activity report and permits issued and from the planning division for total fees collected and services activity report.

ON MOTION, it was

Voted: To **APPROVE** Item A) August 28, 2013 checklist and the Consent Agenda as presented. B-128 Monthly reports were not presented at this time.

The motion **PASSED** (7 – 0; Commissioners Bain, Cook and Membrila were absent).

REZONING FOR PUBLIC HEARING

- 4) **Co9-13-03 VISTOSO CATALINA LP – TWIN LAKES REZONING WITH CLUSTER OPTION**

Request of Vistoso Catalina LP (Alberto Moore), represented by Floerchinger Sadler Steele Baker, Inc., for a rezoning of approximately 2.9 acres from **GR-1 (Rural Residential)** to **CR-3 (Single Residence) (Cluster Development Option)**, on property located on the west side of Twin Lakes Drive and approximately 1,000 feet south of Hawser Street. The proposed rezoning conforms to the Pima County Comprehensive Plan (Co7-00-20). (District 1)

ON MOTION, it was

Voted: To **APPROVE** subject to Standard and Special conditions:

IF THE DECISION IS MADE TO APPROVE THE WAIVE OF PLATTING REQUIREMENTS, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

Completion of the following requirements within **five** years from the date the rezoning request is approved by the Board of Supervisors:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.

5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation: The property owner(s) shall provide off-site improvements to Twin Lakes Drive as determined necessary by the Pima County Department of Transportation.
8. Regional Flood Control District:
 - A. A note shall be added to the Preliminary Development Plan indicating which common areas are to include drainage and water harvesting features that are to be maintained by the Homeowners Association, and these features shall be shown.
 - B. (Water Resources) Water conservation measures as proposed in Table B (II-K Water) of the Preliminary Integrated Water Management Plan (PIWMP) shall be followed. Where necessary, some water conservation measures may be implemented as Covenants, Conditions and Restrictions (CC&Rs). A Final Integrated Water Management Plan shall be presented in the development and landscape plans.
9. Environmental Planning: Upon the effective date of the ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.
10. Regional Wastewater Reclamation:
 - A. The owner/developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
 - B. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

- C. The owner/developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner/developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner/developer shall also design and construct any necessary off-site sewers to accommodate the anticipated wastewater flow from any properties down-gradient from the rezoning area that can reasonably be served by those sewers, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - G. The owner/developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
11. Environmental Quality: On-site wastewater disposal shall not be allowed.
12. Natural Resources, Recreation and Parks: This project shall provide the area and recreation features or equal, for the community park as described on the preliminary development plan.
13. Cultural Resources:
- A. All work must be within the area as shown on the proposed project maps and plans in the submitted development plan and survey report.
 - B. A caution must be noted concerning human burials. Archaeological clearance recommendations do not exempt the construction and other ground-disturbing activities from compliance with State burial protection laws. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human

remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

14. A subdivision block plat which includes the subject rezoning site and the 15-acre property to the west represented by Co9-07-24 Arber LLC – Twin Lakes Road Rezoning shall be submitted prior to submittal of any individual subdivision plats or development plans.
15. The five shared driveways shall be designed, engineered and uniformly constructed from quality materials. Construction of the driveways shall occur concurrently with the development of the site and the construction of the ten residences. Maintenance and utilization of the drives within the common area shall be controlled through Covenants, Conditions, and Restrictions (CCRs) prepared in conjunction with the final subdivision plat and shall be funded by the homeowners' association assessment.
16. Adherence to the sketch plan and to the "Illustrative Plan" (page i of the site analysis) as approved at public hearing.
17. Residences are limited to one story where abutting existing residences.
18. Green conditions as specified in Section II.A.2.f. of the site analysis shall be provided including:
 - A. Each residential unit shall have a solar assisted domestic water heating system.
 - B. Significant windows within the project shall be shaded to preclude high-angle sun solar heat gain in summer and to allow low-angle passive solar gain in the winter.
 - C. Desert landscape planting, including indigenous ground covers, shrubs and small scale trees shall be placed adjacent to sunlit walls to reduce reflected solar heat gain.
19. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Community Development and Neighborhood Conservation Department indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.
20. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
21. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private

Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l).”

The motion **PASSED** (7 – 0; Commissioners Bain, Cook and Membrila were absent).

5) NEW BUSINESS

- A) Pima Prospers – Comprehensive Plan update.
The Planning Director presented a verbal update on the Plan progress.
- B) Board of Supervisors disposition of cases.
The Planning Director presented the actions on Planning and Zoning Commissions recommendations of the Board of Supervisors for the previous month.

6) CALL TO THE AUDIENCE

No one from the audience spoke.

7) ADJOURNMENT

Meeting was adjourned at 10:32 a.m. on motion by Commissioner Matter seconded by Commissioner Neeley.